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Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO¹,
PAUL HENDERSON, BARBARA A. GARCIA
AND MARY IVAS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TANESH NUTALL,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, SAN FRANCISCO
DEPARTMENT OF PUBLIC HEALTH, SAN
FRANCISCO DEPARTMENT OF POLICE
ACCOUNTABILITY, PAUL HENDERSON,
in his official capacity as Interim Executive
Director of the San Francisco Department of
Police Accountability, BARBARA A.
GARCIA in her official capacity as Director of
the San Francisco Department of Public
Health, DOES 1 through 10 inclusive, and
MARY IVAS, an individual,

Defendants.

Case No. 18-cv-1258 SK

**STIPULATION AND ~~PROPOSED~~ ORDER
FOR REMAND**

Trial Date: February 11, 2020

¹ Erroneously sued as San Francisco Department of Public Health and San Francisco Department of Police Accountability. San Francisco Department of Public Health and San Francisco Department of Police Accountability are departments of the City and County of San Francisco, are not properly joined defendants because they do not have power to sue or be sued, and are not an independent public corporation. (See *Bauer v. County of Ventura*, 45 Cal.2d 276, 288-289 (1955); compare Gov. Code, §§ 23000, 23004(a).)

1 **RECITALS**

2 1. On February 7, 2018, Plaintiff Department of Fair Employment and Housing (“DFEH”)
3 on behalf of Tanesh Nutall (real party in interest) filed a complaint against Defendants City and
4 County of San Francisco – Department of Police Accountability, and Does 1 through 10, in the
5 Superior Court in and for the City and County of San Francisco, Case No. CGC-18-564162.

6 2. On February 16, 2018, Plaintiff Tanesh Nutall filed a complaint against Defendants
7 City and County of San Francisco, San Francisco Department of Public Health, San Francisco
8 Department of Police Accountability, Paul Henderson, Barbara A. Garcia, and Mary Ivas, in the
9 Superior Court in and for the City and County of San Francisco, Case No. CGC-18-564404.

10 3. On February 26, 2018, Defendants City and County of San Francisco, Paul Henderson,
11 Barbara A. Garcia, and Mary Ivas (“Defendants”) removed this case to federal court pursuant to 28
12 U.S.C. §§ 1331 and 1441, on grounds that the Complaint stated *federal* claims pursuant to 28 U.S.C.
13 §1983 (for violation of Plaintiffs' federal constitutional rights) and *Monell v. Department of Social*
14 *Services of the City of New York*, 436 U.S. 658 (1978).

15 5. Judicial and economic efficiency would be best served by remanding this case to state
16 court, for consolidation and/or relation to the DFEH case (CGC-18-564162). Accordingly, following
17 meet and confer on the matter, the parties agree that this action should be remanded to state court, and
18 ask the Court to execute the following order remanding the matter to state court pursuant to 28 U.S.C.
19 §1447.

20 **STIPULATION**

21 For the foregoing reasons, the parties, through their undersigned counsel, stipulate and agree to
22 entry of an order remanding this matter to the Superior Court of the State of California for the County
23 of San Francisco.

1 Dated: December 7, 2018

DENNIS J. HERRERA
City Attorney
CHERYL ADAMS
Chief Trial Deputy
BRIAN P. CEBALLO
Deputy City Attorney

5 By: /s/ Brian P. Ceballo
6 BRIAN P. CEBALLO

7 Attorneys for Defendants
8 CITY AND COUNTY OF SAN FRANCISCO, PAUL
9 HENDERSON, BARBARA A. GARCIA AND MARY
10 IVAS

11 Dated: December 7, 2018

TRANSGENDER LAW CENTER

12 By: /s/ Shawn T. Meerkamper
13 SHAWN THOMAS MEERKAMPER

14 Attorneys for Plaintiff
15 TANESH NUTALL

16
17 Dated: December 7, 2018

MORA EMPLOYMENT LAW

18 By: /s/ Beth W. Mora
19 BETH W. MORA

20 Attorneys for Plaintiff
21 TANESH NUTALL

ORDER

GOOD CAUSE appearing therefore, it is HEREBY ORDERED pursuant to 28 U.S.C. §1447 that this action is remanded to the Superior Court of the State of California for the County of San Francisco. The clerk is instructed to close the file.

IT IS SO ORDERED.

Dated: Dec. 10, 2018



THE HONORABLE SALLIE KIM
UNITED STATES MAGISTRATE JUDGE